



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, N.Y. 10007

HON. SYLVIA O. HINDS-RADIX  
Corporation Counsel

BRIAN FRANCOLLA  
*Senior Corporation Counsel*  
Tel.: (212) 356-3527  
Fax: (212) 356-3509  
bfrancol@law.nyc.gov

March 15, 2022

**BY ECF**

Honorable James R. Cho  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Samuel Karnes, et al. v. City of New York, et al.,  
21-CV-4903 (WFK) (JRC)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, assigned to the defense of the above-referenced matter on behalf of defendants. In that capacity, I write jointly with plaintiffs' counsel, Remy Green, Esq., in advance of the parties' March 21, 2022 settlement conference. As Your Honor may recall, during the initial conference the parties expressed a willingness to pursue early resolution of this case. That willingness remains. However, due to the complicated nature of plaintiff Washam's damage claim – particularly her claim that she sustained a traumatic brain injury as a result of the underlying incident – the parties are not yet in a position to properly evaluate it for settlement. To that end, the parties have conferred about a path forward whereby plaintiffs have agreed to provide a preliminary expert report pertaining to this claim that we feel should enable us to then engage in substantive good faith settlement negotiations. Because the alleged damage claim is particularly complex, the process to generate this preliminary expert report is estimated to be three months. From there, the undersigned needs approximately two weeks to properly analyze the report and obtain settlement authority. Accordingly, the parties respectfully request that the Court adjourn the March 21, 2022 settlement conference until a later date, convenient to the Court, on or after July 22, 2022.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Brian Francolla  
Senior Counsel  
Special Federal Litigation Division

cc: All Counsel (By ECF)